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7 Attorney for Defendant Lissette Alvarez

5 UNITED STATES DISTRICT COURT

6 DISTRICT OF NEVADA

7 ***

8 UNITED STATES OF AMERICA,) 2:15-cr-18-APG-VCF
9 Plaintiff,)
10 vs.) **STIPULATION TO CONTINUE**
11 LISSETTE ALVAREZ,) **SENTENCING HEARING**
12 Defendant1.) (Third Request)
13 _____)

14 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,
15 United States Attorney, by and through Daniel J. Cowhig, Assistant United States Attorney, and
16 Defendant Lissette Alvarez, by and through her counsel, Mace J. Yampolsky, Esq., that:

17 1. Defendant Lissette Alvarez's sentencing hearing, currently scheduled for
18 Thursday, May 18, 2017, at the hour of 9:00 a.m., be continued until some date
19 beyond September 11, 2017, the scheduled trial date for Co-Defendants Jason
20 Demko, Mark Jones and Lorraine Riddiough, to be determined by the
21 convenience of the Court.

22 2. Defendant Lissette Alvarez expects to be called as a witness in the trial of the
23 codefendants. That trial is scheduled to begin on September 11, 2017, and is
24 anticipated to last approximately two weeks. Because her plea agreement
25 includes provisions that require her to testify truthfully in that matter and in any
26 other if called to do so, and because she expects her relative culpability to be a
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1 favorable factor in her sentencing, defendant Alvarez believes it in her best
2 interest to defer sentencing until the trial of her codefendants is complete.

3 3. The defendant is out of custody and agrees to continuance of the sentencing
4 hearing.
5 4. Additionally, denial of this request for continuance could result in a miscarriage
6 of justice.
7 5. This is the third request to continue sentencing in this case.
8 6. Defense and Government counsel agree that the proposed continuance is sought
9 in good faith and not for purposes of delay.

10 11 DATED this 15th day of November, 2016.

12 DANIEL G. BOGDEN
13 United States Attorney

14 _____ /s/ Daniel J. Cowhig
15 Daniel J. Cowhig, Esq.
16 Assistant United States Attorney
Counsel for Plaintiff

17 _____ /s/ Mace J. Yampolsky
18 Mace J. Yampolsky, Esq.
19 Counsel for Defendant Alvarez

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8 UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,) 2:15-cr-18-APG-VCF
Plaintiff,)
vs.) **FINDINGS OF FACT AND**
LISSETTE ALVAREZ,) **CONCLUSIONS OF LAW**
Defendant1.)
_____)

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

1. Defendant Lissette Alvarez's sentencing hearing is currently scheduled for Thursday, May 18, 2017, at the hour of 9:00 a.m.
2. Defendant Lissette Alvarez expects to be called as a witness in the trial of the codefendants. That trial is scheduled to begin on September 11, 2017, and is anticipated to last approximately two weeks. Because her plea agreement includes provisions that require her to testify truthfully in that matter and in any other if called to do so, and because she expects her relative culpability to be a favorable factor in her sentencing, Defendant Alvarez believes it in her best interest to defer sentencing until the trial of her codefendants is complete.

1 3. The defendant is out of custody and agrees to continuance of the sentencing hearing.

2 4. Additionally, denial of this request for continuance could result in a miscarriage of

3 justice.

4 5. This is the third request to continue sentencing in this case.

5 6. Defense and Government counsel agree that the proposed continuance is sought in

6 good faith and not for purposes of delay.

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8 **CONCLUSIONS OF LAW**

9 Based on the fact that Defendant Lissette Alvarez's testimony, her cooperation and its
10 usefulness cannot be evaluated by the United States Attorney until the trial of the codefendants
11 which commences on or about September 11, 2017, and based on the fact that counsel for the
12 parties do not object to the continuance, and based on the fact that denial of this request for
13 continuance could result in a miscarriage of justice; the Court hereby concludes that:

14 1. The ends of justice are served by granting said continuance since the failure to
15 grant said continuance would be likely to result in a miscarriage of justice.

17 **ORDER**

18 IT IS THEREFORE ORDERED that the sentencing date of Lissette Alvarez currently
19 scheduled for May 18, 2017, at the hour of 9:00 a.m., be vacated and continued until
20 Thursday, October 12, 2017 at 9:00 a.m. in Courtroom 6C.

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24 UNITED STATES DISTRICT JUDGE
25 DATED: May 15, 2017
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